

REMARKS

Claims 23-44 and 52-56 are pending. Claims 22 and 45-50 have been previously withdrawn. Claim 33 has been amended. No new matter has been added.

Claims 33-43 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 23-44 and 52-56 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0019394 to Red et al. ("Red").

Rejection of Claims 33-43 under 35 U.S.C. § 101

Claims 33-43 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that the claim requires that control occur via a machine, rather than a program. Accordingly, claim 33 has been amended to recite that controlling the movement of the at least one moveable machine element based upon the profile is by a computer, not a program. Therefore, it is respectfully requested that the rejection of claims 33-43 be withdrawn.

Rejection of Claims 23-44 and 52-56 under 35 U.S.C. § 102(e)

Claims 23-44 and 52-56 are rejected under 35 U.S.C. § 102(e) as being anticipated by Red. This rejection is respectfully traversed.

Red recites how conventional mechanism controllers cannot act on complex geometries or curves. As a result, the movements are tessellated into small linear moves. So Red uses higher-dimensional n-curves to define the mechanism activity. As an example, if a glue gun is to follow a specific path and the amount of glue varies, then the flow of glue is used as a controlling parameter by the mechanism controller. Red's process control software uses various curve

definitions to send commands to the controller. “The process control software generates commands that are directly usable by the controller.” Para. [0026]. However, Red does not recite the use of stored profiles that can be used in conjunction with created profiles.

In contrast, the pending claims discuss the use of stored profiles that include variables for movement control. For example, claim 23 recites a “profile, stored in memory, for movement control.” Claim 33 recites “providing a profile for movement control” and “controlling ... the movement of the at least one machine element based upon the profile.” Similarly, claim 44 recites “a memory to store the profile.” Red does not store a profile of variables that can be used for movement control. Instead, Red generates a new command for each instance.

Red uses curve definitions, but curve definitions do not include variables. Instead, “curve definitions 114 may define any number of parameters.” Para. [0029]. So these pre-defined parameters cannot be equivalent to a profile, which has at least one command variable and a secondary variable, the command variable representing a physical variable that is of a different type from the secondary variable and at least one of the variables comprising one of the group consisting of a time-dependent variable and a location-dependent variable, as recited the embodiment of claim 23.

Thus, Red fails to teach each and every element of claims 23, 33, and 44. Accordingly, claims 23, 33, and 44 are believed to be allowable over the cited art. Because independent claims 23, 33, and 44 are believed to be allowable, claims 24-32, 34-43, and 52-56 are also believed to be allowable for at least the reason that they depend on claims 23, 33, and 44. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 03869-105012.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 03869-105012.

Respectfully submitted,
KING & SPALDING LLP

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By: /Eric Sophir, Reg. No. 48,499 /
Scott T. Weingaertner Reg. No. 37,756
Eric L. Sophir Reg. No. 48,499

Correspondence Address:

King & Spalding LLP
1185 Avenue of the Americas, 37th Floor
New York, NY 10036-4003
(212) 556-2227 Telephone
(212) 556-2222 Facsimile